

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON
U.S. MAGISTRATE JUDGE

DATE: 7/31/2013
TIME: 2:20 p.m. (29 minutes)

Friedman v. Raymond Furniture Co., Inc., et al.,
CV 12-1307 (LDW) (AKT)

TYPE OF CONFERENCE: **INTERIM PRE-TRIAL CONFERENCE**

APPEARANCES: Plaintiff Walker Harman
Defendant Jessica A. Chicacos
Tara Eyer Daub

FTR: 2:20-4:49

THE FOLLOWING RULINGS WERE MADE:

1. I spent time with the attorneys reviewing the “First Amended Joint Pre-Trial Order” which was filed in advance of today’s conference. There are a number of revisions that need to be made based on our discussion today. These changes include the following:
 - Plaintiff will remove footnotes 2, 3, 4, 5, 6, 8, 9 and 10;
 - Plaintiff’s right to raise some of these issues in the context of a motion *in limine* prior to trial is preserved;
 - on the list of witnesses plaintiff intends to have testify at trial, plaintiff’s counsel will remove the extraneous language in some of the entries which goes beyond a statement of the witness’ name, position, and whether the individual will be testifying in person; in addition, plaintiff will take some time to consider the number of witnesses based upon the Court’s discussion today concerning Judge Wexler’s practices regarding the number of witnesses on the proposed list versus the number who actually testify at trial;
 - based upon the actions plaintiff’s counsel will be taking above, defendants’ counsel will remove the paragraph inserted on page 4 just above “defendant’s witnesses”;
 - the list of expert witnesses may not be amended up to the time of trial as stated by plaintiff and therefore the paragraph inserted on page 5 under “list of expert witnesses” must be removed;
 - as to the exhibit lists, in the areas where there is a notation that certain exhibits have been “voluntarily rescinded,” the additional language contained in those sections both in the description and in the objections are to be removed. Counsel may simply states that the exhibit has been “voluntarily rescinded” or can include language that the description next to the number has been “deliberately left blank.” This will account for the exhibits in a numerical order and will relieve counsel from having to renumber all of the other exhibits.
2. Counsel have been directed to file a Second Amended Joint Pre-Trial Order on ECF by September 4, 2013

SO ORDERED

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge